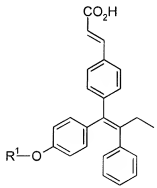
Amendments To The Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Previously Presented) A compound of formula (I):



(I)

including pharmacologically functional salts and solvates thereof, wherein

R^1 is –C(O)-alkyl, -C(O)-aryl, -C(O)-heteroaryl, -C(O)-cycloalkyl, -C(O)-$(CH_2)_n$-NR^4R^5, -C(O)-O-alkyl, -C(O)-$(CH_2)_n$-O-alkyl, -C(O)-$(CH_2)_n$-haloalkyl, -C(O)-$(CH_2)_n$-heterocylcyl, or $-PO_3H_2$;

R^4 and R^5 each independently are selected from H and alkyl; and

n is 1 to 6.

2. (Previously Presented) The compound of claim 1 wherein alkyl is C_1-C_6 alkyl; aryl is phenyl; heteroaryl is thienyl, isoxazoyl, or furyl; cycloalkyl is C_1-C_6 cycloalkyl, haloalkyl is C_1-C_6 haloalkyl, and heterocyclyl is morpholinyl or optionally susbstitued piperizinyl.

3. (Previously Presented) The compound of claim 1 wherein R^1 is –C(O)-C_{1-6}alkyl.

4. (Previously Presented) The compound of claim 1, wherein the compound is (2*E*)-3-(4-{(1*Z*)-2-phenyl-1-[4-(propionyloxy)phenyl]but-1-

enyl}phenyl)prop-2-enoic acid, including pharmaceutically acceptable salts and solvates thereof.

5. (Previously Presented) The compound of claim 1, wherein the compound is (2*E*)-3-(4-{(1*Z*)-2-Phenyl-1-[4-(phosphonooxy)phenyl]-1-butenyl}phenyl)-2-propenoic acid, including pharmaceutically acceptable salts solvates thereof.

6. (Canceled).

7. (Canceled).

8. (Canceled).

9. (Canceled).

10. (Canceled).

11. (Currently Amended) The compound of claim 3 ~~10~~ wherein $\underline{R^1}$ ~~R~~ is $-C(O)-CH_2-CH_3$.

12. (Previously Presented) A compound selected from
(2*E*)-3-(4-{(1*Z*)-2-phenyl-1-[4-(propionyloxy)phenyl]but-1-enyl}phenyl)prop-2-enoic acid;
(2*E*)-3-(4-{(1*Z*)-1-[4-(benzoyloxy)phenyl]-2-phenylbut-1-enyl}phenyl)prop-2-enoic acid;
(2*E*)-3-(4-{(1*Z*)-1-[4-(acetyloxy)phenyl]-2-phenylbut-1-enyl}phenyl)prop-2-enoic acid;
(2*E*)-3-(4-{(1*Z*)-1-[4-(butyryloxy)phenyl]-2-phenylbut-1-enyl}phenyl)prop-2-enoic acid;
(2*E*)-3-(4-{(1*Z*)-1-[4-(2-Furoyloxy)phenyl]-2-phenyl-1-butenyl}phenyl)-2-propenoic acid;
(2*E*)-3-[4-((1*Z*)-1-{4-[(*N*,*N*-dimethylglycyl)oxy]phenyl}-2-phenylbut-1-enyl)phenyl]prop-2-enoic acid;
(2*E*)-3-[4-((1*Z*)-1-{4-[(5-Isoxazolylcarbonyl)oxy]phenyl}-2-phenyl-1-butenyl)phenyl]-2-propenoic acid;
(2*E*)-3-[4-((1*Z*)-2-phenyl-1-{4-[(thien-2-ylcarbonyl)oxy]phenyl}but-1-enyl)phenyl]prop-2-enoic acid;

(2*E*)-3-[4-((1*Z*)-1-{4-[(methoxyacetyl)oxy]phenyl}-2-phenylbut-1-enyl)phenyl]prop-2-enoic acid;
(2*E*)-3-[4-((1*Z*)-2-phenyl-1-{4-[(4,4,4-trifluorobutanoyl)oxy]phenyl}but-1-enyl)phenyl]prop-2-enoic acid;
(2*E*)-3-[4-((1*Z*)-1-{4-[(2,2-dimethylpropanoyl)oxy]phenyl}-2-phenylbut-1-enyl)phenyl]prop-2-enoic acid;
(2*E*)-3-[4-((1*Z*)-1-{4-[(cyclohexylcarbonyl)oxy]phenyl}-2-phenylbut-1-enyl)phenyl]prop-2-enoic acid;
(2*E*)-3-[4-((1*Z*)-1-{4-[(morpholin-4-ylacetyl)oxy]phenyl}-2-phenylbut-1-enyl)phenyl]prop-2-enoic acid;
(2*E*)-3-[4-((1*Z*)-2-phenyl-1-{4-[(piperidin-1-ylacetyl)oxy]phenyl}but-1-enyl)phenyl]prop-2-enoic acid;
(2*E*)-3-{4-[(1*Z*)-1-(4-{[(4-methylpiperazin-1-yl)acetyl]oxy}phenyl)-2-phenylbut-1-enyl]phenyl}prop-2-enoic acid;
(2*E*)-3-(4-{(1*Z*)-2-Phenyl-1-[4-(phosphonooxy)phenyl]-1-butenyl}phenyl)-2-propenoic acid;
(2*E*)-3-[4-((1*Z*)-1-{4-[(Ethoxycarbonyl)oxy]phenyl}-2-phenyl-1-butenyl)phenyl]-2-propenoic acid; and
(2*E*)-3-[4-((1*Z*)-1-{4-[(Methoxycarbonyl)oxy]phenyl}-2-phenyl-1-butenyl)phenyl]-2-propenoic acid, including pharmaceutically acceptable salts and solvates thereof.

13. (Canceled).

14. (Previously Presented) A pharmaceutical composition comprising a compound according to claim 1, and a pharmaceutically acceptable carrier.

15. - 21. (Canceled).

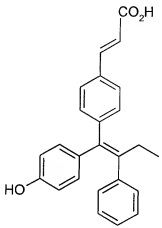
22. (Withdrawn and Currently Amended) A method for the treatment ~~or prophylaxis~~ of conditions or disorders selected from menopausal or postmenopausal disorders, vasomotor symptoms, urogenital or vulvar vaginal atrophy, atrophic vaginitis, female sexual dysfunction, breast cancer, depressive

symptoms, diabetes, bone demineralization, and osteoporosis ~~associated with selective estrogen receptor modulation~~ comprising the administration of a compound according to claim 1.

23. (Canceled).

24. (Canceled).

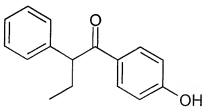
25. (Withdrawn and Currently Amended) A process for making ester prodrugs of compound 1:



compound 1

comprising:

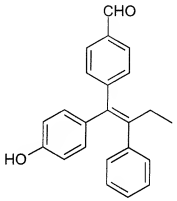
acylating anisole with 2-phenylbutanoic acid followed by demethylation to yield phenol 8:



phenol 8

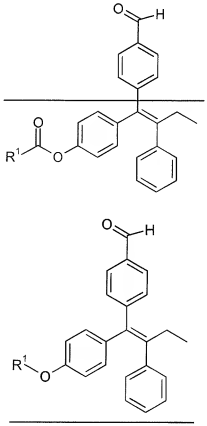
protecting the phenol group;

treating the protected compound with an organometallic reagent followed by dehydration to yield phenol aldehyde 10:



phenol aldehyde 10

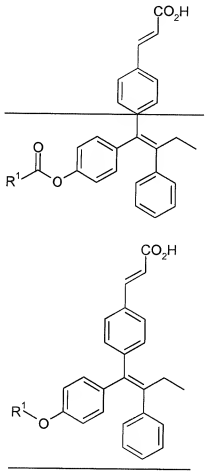
acylating phenol aldehyde 10 with an anhydride or an acid chloride in the presence of a base to yield ester intermediate IV:



ester intermediate IV

wherein R^1 is –C(O)-alkyl, -C(O)-aryl, -C(O)-heteroaryl, or -C(O)-cycloalkyl; and

treating the ester intermediate IV with malonic acid to yield ester prodrug V:



ester prodrug V

wherein R^1 is as described.

26. – 36. (Canceled).

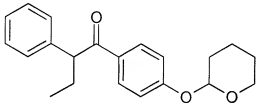
37. (New and Withdrawn) The process of claim 25 wherein R^1 is –C(O)-alkyl.

38. (New and Withdrawn) The process of claim 37 wherein R^1 is –C(O)-C_{1-6}alkyl.

39. (New and Withdrawn) The process of claim 38 wherein R^1 is –C(O)-CH_2CH_3.

40. (New and Withdrawn) The process of claim 25 wherein the step of acylating anisole with 2-phenylbutanoic acid further comprises acid catalyzed acylation of anisole with the mixed anhydride of trifluoroacetic acid and 2-phenylbutanoic acid, followed by treatment with aluminum chloride in an appropriate solvent.

41. (New and Withdrawn) The process of claim 25 wherein the step of protecting the phenol group of phenol 8 further comprises protecting phenol 8 as a THP ether 9:

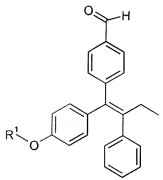


ether 9.

42. (New and Withdrawn) The process of claim 41 wherein the step of treating the protected compound with an organometallic reagent further comprises treating ether 9 with [4-(dimethoxymethyl)phenyl] lithium or [4-(diethoxymethyl)phenyl] lithium followed by acid catalyzed dehydration.

43. (New and Withdrawn) The process of claim 25 wherein the step of acylating phenol aldehyde 10 with an anhydride or an acid chloride in the presence of a base to yield ester intermediate IV is instead comprised of treating the phenol aldehyde 10 with malonic acid to yield ester intermediate IV.

44. (New) An intermediate of formula IV:



IV

wherein R^1 is –C(O)-alkyl, -C(O)-aryl, -C(O)-heteroaryl, or -C(O)-cycloalkyl.

45. (New) The intermediate of claim 44 wherein R^1 is -C(O)-alkyl.

46. (New) The intermediate of claim 45 wherein R^1 is -C(O)-C_{1-8}alkyl.

47. (New) The intermediate of claim 46 wherein R^1 is -C(O)-CH_2CH_3.